

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

OLLEN G. COLBERT	)	
	)	
Plaintiff	)	
	)	
v.	)	CASE NO. 1:00-CV-00909-SJD-TSH
	)	
CINCINNATI GAS & ELECTRIC and	)	JUDGE: J. Dlott
INTERNATIONAL BROTHERHOOD	)	Magistrate Judge Hogan
OF ELECTRICAL WORKERS,	)	
LOCAL 1347	)	
	)	<u>DEFENDANT, CINCINNATI GAS &amp;</u>
Defendants.	)	<u>ELECTRIC'S MOTION TO STRIKE</u>
	)	<u>PLAINTIFF'S AFFIDAVIT AND THE</u>
	)	<u>AFFIDAVITS OF DUDLEY QUARLES</u>
	)	<u>AND LEON WATERS</u>

Defendant, The Cincinnati Gas & Electric Company, ("CG&E), by its counsel, respectfully requests that the Affidavits of Ollen Colbert, Leon Waters, and Dudley Quarles, filed by plaintiff in response to the defendants' Motions for Summary Judgment be stricken and in support thereof, herewith files its brief.

WHEREFORE, defendant CG&E requests that its motion be granted and that the affidavits filed by plaintiff in response to the defendants' motions for summary judgment be stricken either in their entirety or as to those parts that are not admissible under the law.

Respectfully submitted,

CINERGY CORP.

By: s/Ariane Schallwig Johnson  
Ariane Schallwig Johnson, #2104-45  
One of the Attorneys for Cincinnati Gas & Electric

**CERTIFICATE OF SERVICE**

I hereby certify that on **April 7, 2005**, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Rose Ann Fleming  
Rose Ann Fleming Professional Legal Corp.  
3855 Ledgewood Drive, Suite 13  
Cincinnati, OH 45207  
[fleming@xavier.edu](mailto:fleming@xavier.edu)

Jerry A. Spicer  
Snyder, Rakay & Spicer  
11 West Monument Building, Suite 307  
Dayton, OH 45402  
[snyrakspi@aol.com](mailto:snyrakspi@aol.com)

s/Ariane Schallwig Johnson  
Ariane Johnson

Ariane Schallwig Johnson  
LEGAL DEPARTMENT  
CINERGY SERVICES, INC.  
1000 E. Main Street  
Plainfield, IN 46168  
Telephone: 317/838-1285  
Facsimile: 317/838-1842  
[ariane.johnson@cinergy.com](mailto:ariane.johnson@cinergy.com)